

IN THE UNITED STATES COURT OF FEDERAL CLAIMS

WARREN BERES, <i>et al.</i>,)	
)	
Plaintiffs,)	Nos. 03-785L, 04-1456L, 04-
)	1457L, 04-1458L, 04-1459L,
v.)	04-1463L, 04-1465L, 04-
)	1466L, 04-1467L, 04-1468L,
UNITED STATES,)	04-1469L, 04-1471L, 04-
)	1472L, 04-1473L, 04-1474L
Defendant.)	
)	The Honorable Marian Blank Horn
)	
)	

DECLARATION OF CAROLYN ROSSI

I, Carolyn Rossi, make the following declaration:

1. I am a United States citizen, a resident of the State of Washington, over the age of twenty-one, have personal knowledge of the facts stated herein and am competent to testify to the matters stated in this Declaration.

2. I and my husband John Rossi are Plaintiffs in this case. We purchased our property along East Lake Sammamish in 1983.

3. Since the 1983, we have used the area of the railroad right of way that lies west of the railroad tracks "rail bed" as if it were our own. Attached hereto as Exhibit A is a true and correct copy of two photographs. The bottom photograph was taken in 1985 and shows the installation of our basketball hoop. After we purchased the property and before we installed the hoop, we placed asphalt on the southern two thirds of the western half of the railroad right of way for the basketball play

area. The asphalt basketball court area was used by my family and neighbors on almost a daily occurrence from 1983 to the present.

4. In the northern third of the western half of the railroad right of way, we had a vegetable and flower garden. The upper picture in Exhibit A is a picture of my daughter and my mother in amongst pea plants. This picture was taken 1988. However, we used this area for a vegetable and flower garden from 1983 to this day.

5. Attached hereto as Exhibit B is a true and correct copy of four photographs showing the western half of the railroad right of way. Two pictures show a Burlington Northern train passing by. The picture with the basketball hoop was taken in 1991 and the picture below of my two daughters and a neighbor in the garden area was taken in 1996. The handwriting on Exhibit B is mine.

6. Attached hereto as Exhibit C is a true and correct copy of a photograph that was taken in 2017 which basically shows the present use of western half of the railroad right of way. On the left hand side, the gate to the garden area is depicted. The fence and gate was built in about 2013, but the garden area that has existed since 1983. The trees in the background were all planted by my husband and I in 1994. We always had them trimmed and thinned, removed leaves and weeded the tree area.

7. I have seen the schematic produced by ESM Engineers, which is attached hereto as Exhibit D. This accurately depicts the area I and my family have used during the period from the early 1980s to the present time. The area in both green

and gray in between the areas marked A and D is larger gravel for a pathway and to provide drainage from the basketball court area.

8. Basically, we have used the entire western side of the railroad right of way as it were our own since 1983. No one has ever indicated that we did not own the railroad right of way or that someone else owned it. Our regular use of this area has been visible to anyone who may have thought they owned it.

I declare under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct and was executed by me this 29th day of January, 2018, at Bellevue, Washington.



Carolyn Rossi



ROSSI - 251 E. Lk. Sammamish Shoreline NE, Sammamish WA 98074

#1 - 1994



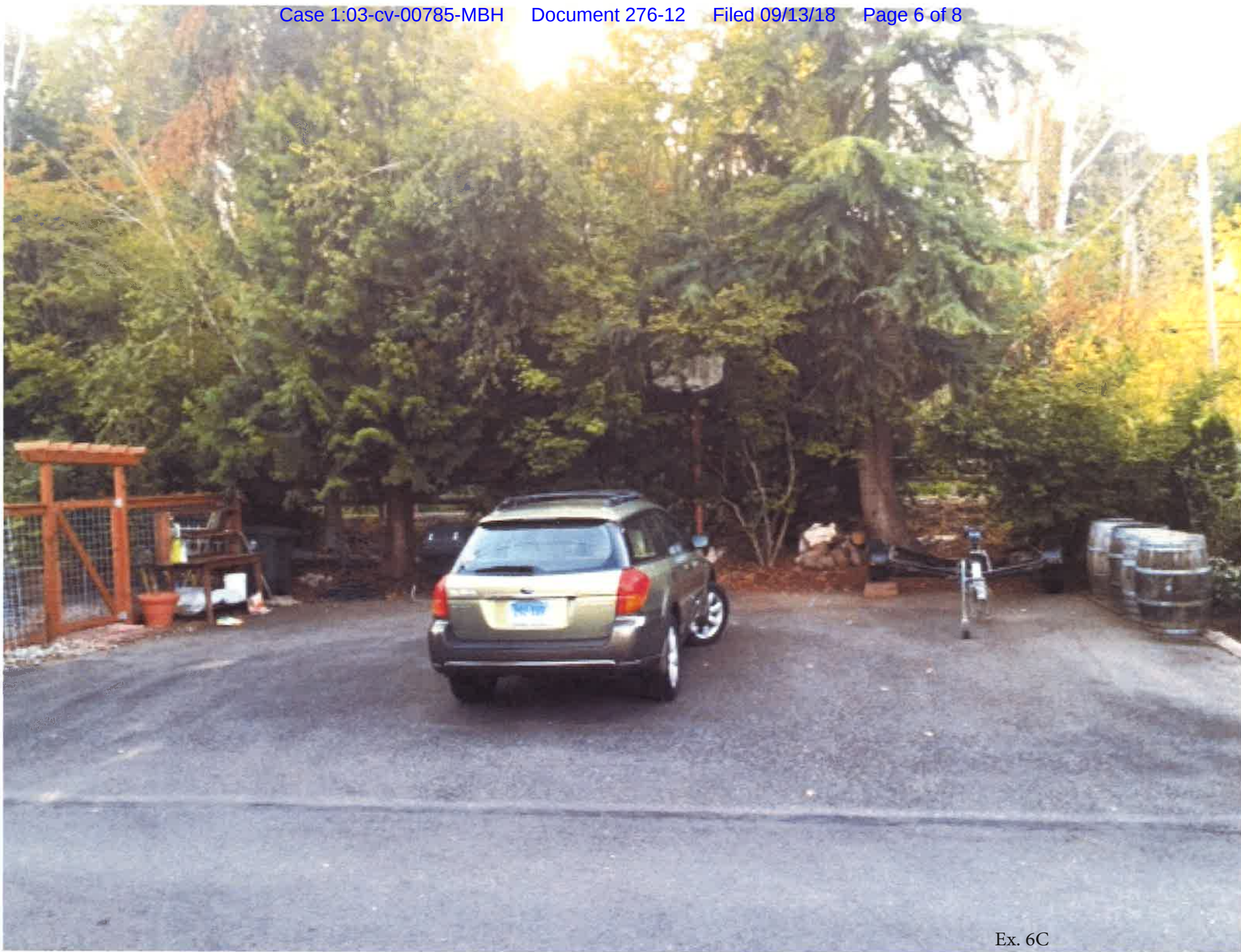
#3 - 1991



#2 - 1994



S&K 15B



Ex. 6C

